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Policy Leadership in the European Commission: the Regulation of EU Mobile Roaming Charges¹

Abstract

Political leadership in the European Commission tends to be associated with high politics and the intervention therein of the Commission President. This contribution takes a different approach by viewing *policy* leadership by the Commission as a form of political leadership. When the Commission finds it difficult to perform a broader political agenda-setting role, it may still be able to set and deliver new policy initiatives. The contribution considers the conditions under which successful policy leadership occurs. It identifies two types of condition – political agency and policy capacity – and argues that both, together, are important in explaining successful policy leadership. Evidence is drawn from the case of European mobile roaming.

Keywords: European Commission; mobile roaming; policy leadership; supranational entrepreneurship

Introduction

Political leadership in the European Commission is often associated with the shaping of European agendas and decisions on issues of high politics (Van Assche 2005). As such it is assumed to be a function of the Commission President or of the College of Commissioners (Ross and Jenson; and Müller, in this volume). By contrast, this contribution focuses attention on a rather different form of political leadership: *policy* leadership. Its primary objective is to investigate the conditions for successful policy leadership in the Commission. To do this, the contribution conceptualises policy leadership as the product of political agency and policy capacity, and applies this conceptualisation empirically to the case of European mobile roaming.

The research comprises therefore an analysis of a single case. In so doing it draws on secondary sources, primary documents and contemporaneous media sources. In order to triangulate key points in the analysis and to refine the argument, the authors conducted a small

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number of interviews with Commission officials who had worked on the mobile roaming dossier. These interviews serve to supplement the documentary sources used in the research.

The first section sets the scene by considering broad questions of leadership in the European Commission. The second section then explains what is meant by policy leadership. A conceptual framework that distinguishes between political agency and policy capacity frames this discussion. The contribution then turns to the case itself, that of the regulation of mobile roaming², first looking at the context in which the policy emerged; and then exploring these features of the case that have been important in shaping the policy's success. The research points to the importance of the commitment of successive Commissioners alongside other factors, the most important of which are the support of the European Parliament (EP) for mobile roaming legislation; and the nature of the issue, that is, its relevance for citizens. Thus, the case demonstrates that both political agency and policy capacity determine the Commission's potential to perform successfully as a policy leader.

Leadership in the European Commission

In 2008, Jack Hayward labelled the European Union (EU) as 'leaderless' (Hayward 2008). His argument at that time was not so much that there was an *absence* of leadership in the EU, but rather that there was a surfeit of institutions and actors all aspiring to lead the Union. The European Commission was one of those actors/institutions. Despite considerable agreement that it is in decline (though see Nugent and Rhinard 2015 and Bauer and Becker 2014 for a contrasting view), the Commission still seems to have the potential to offer leadership to the EU. Expectations about Commission leadership derive, on the one hand, from the achievements of past Commission leaders (see Loth, Wallace and Wessels 1995; Grant 1994; Ross 1995; Endo 1999; Drake 2000; see also this issue Articles 2 and 3). On the other hand, they also find their source in the treaty framework that sets out the functions of the Commission and that identifies the specific powers and resources at its disposal. On that basis both individual agency and institutional capacity are likely to be relevant in any account of conditional political leadership in the Commission.

It is especially important to emphasise this second source of political leadership, the capacity dimension, given the bias towards personal attributes in popular understandings of the concept. For the Commission, leadership depends heavily on the policy functions it performs,

² The article uses the terms 'mobile roaming' and 'mobile phone' rather than those of 'cell phone roaming' and 'cell phone' prevalent in North America.

as well as on its agenda-setting and policy initiation roles (see also this issue Article 3). To expect leadership from the Commission is therefore to admit that the latter has the potential to act in particular policy domains; and moreover, that it has the capacity to deliver results in the form of successful policy outputs and outcomes. This issue has been addressed in recent research on the Commission (for example, Kassim *et al.* 2016 and Bürgin 2016).

The combined effect of agency and capacity was recognised in the 1990s in the debate on supranational entrepreneurship. Earlier rather stylised accounts of the Commission's role as either an 'international clearing-house' (Garrett 1992, 534–35) or as a 'supranational entrepreneur', were supplemented at this point by more nuanced studies that accepted the possibility of an activist Commission. This research did not ask whether the Commission could influence European policy, but rather *under what conditions* the Commission might be influential (Pollack 1997). The focus of the research rested therefore on the factors that allowed the Commission to act in an entrepreneurial fashion. Vahl (1992), for example, pointed to the importance of both internal and external factors, that is: the prestige and legitimacy, the powers and the technical expertise, and knowledge-base and organisational resources at the Commission's disposal, on the one hand; and the demand or support for action, the contacts, inter-organizational relations, as well as more general norms, rules and circumstantial events which shape the environment within which the Commission acts, on the other. As it was impossible to generalise about influence at the level of the Commission as a whole, the concomitant focus on 'variation' (for example, Matlár 1997) meant that Commission entrepreneurship became an empirical question to be asked at any one time of specific policies or decisions.

Conceptualising Policy Leadership

'Leadership has fascinated people since the dawn of the recorded history' (Kreitner 1995, 469; see also Tömmel and Verdun, in this volume, for a discussion of the leadership concept). In recent decades a large body of research has been produced in the fields of management, organisational behaviour and related studies focusing primarily on the private sector (Noguera and Plane 2016). From this literature we get our generic definitions of leadership, such as those that see the concept as an attribute of an individual or a group of individuals who 'demonstrate the ability to inspire confidence and support among the peoples who are needed to achieve organizational goals' (DuBrin 2015, 2). That said, leadership may also be understood as an attribute of organizations themselves

Analyses of public sector leadership have often taken their cues from management research, though researchers have acknowledged the differences between the public and private applications of the term (as in van Wart 2013, 533–4). Public sector leadership studies distinguish between political leadership and administrative leadership, for example. This distinction tends to map onto the roles performed by politicians and administrators, such that political leadership is more likely to involve policy advocacy and decision-making, while administrative leadership place more emphasis on policy implementation and management.

Researchers have directed less attention to administrative leadership than they have to political leadership, however. Selznick (2010, 1) was one of the first to focus on the leadership capacity of powerful agencies and institutions that engage in public policy-making. Writing back in the late 1950s he argued that ‘the critical experience of [public] organizational leadership is largely overlooked’ (Selznick 2010, 2). This disregard was easily explained when one considers that in the US, the milieu in which he was working, the very notion of administrative leadership was often considered oxymoronic or a contradiction-in-terms (Suleiman 1984, 6). This conjecture did not, however, prevent the later emergence of research on administrative leadership.

‘Policy leadership’ finds its source in both the political and administrative leadership literatures. This is important as the concept of policy leadership helps to break down the artificial divide between political science and public administration. The latter can be a barrier to addressing interesting research questions in a problem-centred manner. Policy leadership is therefore akin to the concept of policy entrepreneurship which is more prevalent in the public policy literature (Cohen, March and Olsen 1972; Kingdon 1984). The terms are used interchangeably in this contribution. Policy leaders or policy entrepreneurs perform the function of brokers and advocates, building winning coalitions and pushing their pet proposals at propitious moments (Cohen, March and Olsen 1972). They are ‘action-oriented’ and purposive, though rather less concerned with symbolic politics than political leaders (Eyestone 1971). To push beyond this understanding of policy leadership, however, this contribution refers more specifically to *successful* policy leadership, defined here as policy leadership that delivers policy success. Success in this context may be defined in terms of the achievement of policy outputs at the legislative stage of decision-making, as policy implementation, or in terms of policy outcomes. In this contribution, while all three are relevant, we refer particularly to policy success in the setting and delivery of policy.

Policy leadership will only lead to the successful setting and delivery of policy where certain conditions are met. The expectation is that these conditions involve political agency on

the part of the policy leader, on the one hand, and policy capacity, on the other. While political agency implies motivation and intention by one or more actor (whether individuals or groups), policy capacity encompasses the specific characteristics of the policy and their wider ramifications, as well as the institutional and environmental setting in which policy-making occurs. It comprises the broader context within which political agency is exhibited. Before turning to both political agency and policy capacity in the Commission's regulation of European mobile roaming, the next section first introduces and contextualises the case.

International Mobile Roaming: a Case of Policy Success

Although the 1990s witnessed a phenomenal growth in the use of mobile phones in domestic markets as costs fell, the same could not be said for International Mobile Roaming (IMR). 'IMR is a feature of mobile telecommunications services, allowing the customers of an operator in one country seamlessly to obtain a service from one or more operators in another country' (Sutherland 2012, 2) while using the same home telephone number. Although there is no structural reason why the supply of mobile services should stop at national borders, mobile telecommunications markets have been highly fragmented along largely national lines (Mariniello and Salemi 2015, 2, 5). Moreover, the price paid by consumers for roaming services has borne little relation to costs (Infante and Vallejo 2012, 737).

The emergence of a competitive market for roaming has been inhibited by a fragmented regulatory environment which has shaped the way in which mobile telecommunications operators organised themselves. This situation was reinforced in 1987 in a globally agreed Memorandum of Understanding (MOU) which committed operators to provide roaming services. This MOU ended up serving not only as a 'framework for interoperability' but also 'an instrument for an artificial market split between home customers and visiting customers' (Knieps and Zenhäusern 2014, 70). As mobile phone usage increased, high roaming fees became a major 'irritant to business and leisure consumers' (European Commission 2016a). In the EU and from the European Commission's perspective these high costs were 'a market distortion with no rational place in a single market' (European Commission 2016a).

When the roaming issue emerged in the late 1990s, the Commission position was that the industry should resolve the issue itself. Yet, as Reding pointed out, there was a 'complete absence of industry-driven progress over many years' (Reding 2006, 3). As the European Commission did very little to address the matter in the first half of the 2000s, it is unsurprising that the mobile operators did likewise. However, as early as 2005, Reding was

already indicating that she might act on this issue (Smyth 2006). She began by overseeing the launch of a website to encourage price transparency (Reding 2006, 3), and followed up soon after with her proposal for a Regulation on roaming charges for phone calls. On the back of this initiative Reding warned the mobile operators that they had until July 2008 to act, or she would prepare further legislation. The operators still failed to respond (Laitner 2008b) and a further Regulation was duly proposed.

The decade prior to 2006 was one of policy failure by the Commission. Its efforts at addressing the mobile roaming issue had been voluntaristic, albeit backed up by competition law. The first roaming dossier had been opened by the Commission's Competition directorate-general (DG) as early as 1996 (Sutherland 2012, 7–8), with the Commission intervening to deal with a suspected cartel situation. The case ended however with an exemption (via a comfort letter) granted to the firms in question (Knieps and Zenhäusern 2014, 64, 71). Sutherland (2012, 8) is scathing of this outcome, as in taking this decision the Competition DG was implicated in creating the very framework that would later require regulation. While the original intention had been to use the joint-dominance concept to challenge mobile operators, this approach was abandoned by 2002. Proceedings initiated in 2004 and 2005 against German and British telecommunications companies were for abuse of a dominant market position (excessive wholesale roaming tariffs). This approach altered the burden of proof, which now fell on the Competition DG (Knieps and Zenhäusern 2014, 72), making it a very difficult case to try. The proceedings dragged on for a few years only to be dropped when the decision to regulate was taken in 2007 (Knieps and Zenhäusern 2014, 72). Furthermore, Directives adopted in 2002 as part of the telecoms legislative package '[n]ominally [...] aimed at achieving the single market, but by reinforcing the role of national regulators, had the effect of buttressing national boundaries' (Sutherland 2008, 2012, 6).

From 2006, the Commission began to adopt a regulatory approach to mobile roaming charges. The approach proved controversial. The Commission began by proposing the first of several 'Roaming Regulations' (known later as Roaming I) which was agreed by the EU Council and European Parliament in 2007 (European Union 2007). This Regulation introduced the 'Eurotariff', which established price caps for both the wholesale and retail markets on phone calls (voice telephony) made and received abroad. Opt-outs were permitted to encourage competition in the market (Infante and Vallejo 2012, 738) and transparency measures provided information for consumers on pricing. In 2009, under the 'Roaming II' Regulation, 'Roaming I' was extended to cover text messages (SMS) and data services in wholesale markets. Other initiatives were introduced to prevent 'bill shock' resulting from data

roaming (European Union 2009; Infante and Vallejo 2012, 738; Höppner 2015). The third Regulation (Roaming III), agreed in 2012 established a price cap for data services for the first time, it further reduced the other price caps, and introduced as an innovation the concept of ‘decoupling’ to encourage operators to unbundle roaming from their domestic packages (European Union 2012). On 11 September 2013, the Commission launched its most recent draft Regulation within a broad legislative package aimed at constructing a single market for electronic communications (the European Digital Agenda). This initiative ultimately led to the approval of Regulation 2015/212 in October 2015 (Roaming IV) (European Union 2015). This fourth ‘Roaming Regulation’ foresaw the end of roaming charges across the EU from 15 June 2017 (European Commission 2016a). As of late 2016 the Regulation was in the process of being implemented, with delegated fair use legislation due to be agreed by the College of Commissioners before the end of that year.

Can these mobile roaming initiatives, taken together, be deemed a policy success for the European Commission? The answer to these question depends to some degree on whether the policy is itself viewed as a good thing. There is some disagreement on the latter point. The legislation has been attacked ‘by those who judge the Commission’s approach to mobile roaming as over-regulation, and by those who believe that the Commission should have done more to tackle the structural problems in the sector (Infante and Vallejo 2012, 747). Indeed, while network-specific market regulation is permitted in markets that ‘cannot be disciplined by active or potential competition’, not everyone agrees that this applies to international roaming (Knieps and Zenhäusern 2014, 65). The critics argue that the Commission chose the path of least resistance when other options proved too difficult.

Yet there is ample evidence that the gains achieved within the European mobile roaming market would not have materialised without Commission intervention. Between 2007 and 2016 prices fell by over 80 per cent, taking calls, SMS (texts) and data together; and during the same period data roaming increased by 91 per cent, with the volume of the data roaming market up by 630 per cent (European Commission 2016a). The data on prices particularly suggests that the policy pursued by the Commission has had real effects. The Commission’s role in setting the agenda, guiding the decision-making process, and working effectively and repeatedly to drive the agenda forward over the course of several Commission terms was instrumental in making this happen. It is on these grounds that the premise on which this contribution rests – that this case is one of policy success – is grounded.

Explaining the Commission Role in Mobile Roaming Policy

How much of this policy success is down to Commission leadership? To answer this question it is necessary to examine the conditions under which the policy has been set and delivered. The aim of this section is to identify the role that key individuals in the Commission played in the promotion of mobile roaming regulation; the place of the mobile roaming issue in the context of wider EU initiatives; the impact of the policy on stakeholders; its economic implications; the responses (lobbying) of the mobile operators; as well as the structuring effect of the EU policy process; and the relevance EU inter-institutional relations.

It was Viviane Reding who, as Commissioner for Information Society and Media between 2004 and 2010, placed the issue of mobile roaming firmly on the EU agenda. Reding had been looking for a high-profile issue that fell within her portfolio. She was said to have ‘courage and a vision’ (Interview 1) and to like to ‘pick her priorities and get things done’ (Laitner 2006a). Although her officials were responsive, the initiative came from her, top-down, and not from the Commission services (Interviews 1 and 3). Mobile roaming appealed to her because she had an existing interest in citizens’ rights, and because the policy was likely to be supported not only by business travellers but also by ordinary tourists. Indeed, Reding explicitly asked the EU Council and the European Parliament to listen to consumers more than to industry lobbyists when reflecting on the Commission’s first mobile roaming proposal (European Commission 2007). This approach made sense given the opposition she faced from the large and powerful mobile operators. National governments, defending their now privatised ‘national champions’, also expressed opposition to her proposals. Other critics viewed her initiative as a blatant illustration of Commission populism (Kubosova 2006).

At much the same time, however, Reding was receiving praise in the media for supporting the consumer interest, even in the Eurosceptic press. This publicity, along with her close relationship with Commission President Barroso, helped her to outfox ‘heavyweight colleagues in the European Commission to pass the legislation’ (Laitner 2008a, 2008b; see also Pignal 2009), though she was astute enough to realise when certain initiatives would not succeed. A key example of the latter was the proposal to establish a pan-European regulator, an initiative quickly dropped for lack of support. Yet she still managed to upset certain member states, especially Germany and Spain, by pushing the issue forcefully. This ultimately led to their opposition to her continuation in the role of Information Society Commissioner after 2010 (Interview 2; Pignal 2009).

Reding was at that point replaced by Neelie Kroes, who became Commissioner for the Digital Agenda between 2010 and 2014. Kroes had formerly served in the powerful role of Competition Commissioner and for that reason there were some doubts as to whether she

was as committed to the regulation of mobile roaming as Reding (Interview 2). Indeed in the previous Commission Kroes had initially opposed Reding's interventionist and regulatory (price capping) approach (Interview 2; Sutherland 2012, 8; Pignal 2010). Sutherland claims however that Kroes changed her position before her confirmation hearing in the European Parliament (EP) after recognising that the issue was one about which Members of the European Parliament (MEPs) felt strongly. Yet, the belief that Kroes would have preferred a more liberalizing approach (Kroes 2011, 4), one perhaps based on deeper structural reforms, persisted during her term as Digital Agenda Commissioner. Even so, she ended up becoming a strong advocate for regulation. The same was true of her successor Andrus Ansip after 2014. By the time he took over, however, most of the work on the roaming dossier had been completed. Nevertheless, he was able to oversee the approval of the 'Roaming IV' Regulation, not least by working closely with his fellow (Competition) Commissioner, Günther Oettinger, as well as in alliance with the European Parliament (Interview 2).

Commissioners have been important, therefore, in providing individual leadership on the mobile roaming issue. Was the same true of the Commission Presidents? There is little evidence to suggest much direct involvement on the issue by President Barroso, though he did draw on the mobile roaming case in speeches, including his annual State of the Union addresses (for example, Barroso 2011). Without at least the tacit support of the Commission President the roaming initiatives would have quickly been stymied (Interview 2). In the early stages of Jean-Claude Juncker's presidency, from 2014, it was far from a foregone conclusion that the roaming issue would remain a priority, or even be retained as an element within the Digital Single Market agenda. Indeed, it was considered as a policy that might be dropped from the Commission agenda under Vice-President Frans Timmerman's 'red-tape'-cutting 'better regulation' initiative. However, ultimately a decision was taken to retain the mobile roaming policy as it was felt that the legislation could be delivered (Interview 2).

The nature of the issue was particularly important in ensuring its longevity as a Commission priority and ultimately in driving policy success. A strong justification for EU action existed from the very first proposal as mobile roaming was a clear-cut cross-border issue which had a bearing on the EU's single market in a very visible and tangible way. One of the difficulties for governments in tackling high international roaming charges was that no single government was able to control the issue. Bilateral agreements were possible, but there was no global or international regulator to forge a more generalised agreement. The EU in general, and the European Commission in particular, were well-placed to step into the fray. Indeed, this policy issue seems to have been made for European Commission involvement.

There were also important benefits arising from reducing mobile roaming charges both for the business community and for tourists. Not everyone won from this initiative, however. The large mobile operators were vociferous in their opposition to the Commission policy, and national governments, particularly the UK, Germany and Spain, supported this industry-led opposition; yet their opposition was weakened by the argument that the reduction of roaming charges would reinforce the single market and remove market distortions (Laitner and Parker 2008). These effects would be to the benefit of a wide range of stakeholders while also - potentially - encouraging competition in the sector. Commissioners have had no qualms in reminding operators that this is a core justification for their policy approach. In a strongly-worded speech in 2010, for example, Neelie Kroes appealed to operators hostile to her approach, by saying of their high prices: ‘Don’t tell me that is all funding new investment in better networks; I can’t defend that to citizens. I can’t defend it for the simple reason that it isn’t true. [...] Frankly this is a nightmare for business people, for tourists, for young people in particular’ (Kroes 2010, 2–3).

That said, mobile roaming is not economically important for the telecommunications sector; it comprises no more than four per cent of the European market (Infante and Vallejo 2012, 737). It is unlikely, therefore, to have any effect on growth and jobs (Sutherland 2012, 7). Aside from its consumer dimension, its importance for the Commission lies in its place within the Commission’s wider strategy on digital communications. This strategy began with the telecoms packages of the early 2000s and was further prioritized by President Barroso after 2010 in the context of the information society and media dossier. The issue was referred to in Mario Monti’s influential Single Market Report in 2010, and in the EU’s Single Market Act. More recently it has been flagged in the ‘Connected Continent’ initiative of 2013 and now forms part of President Juncker’s Digital Agenda for Europe, which revisits earlier plans for a telecoms single market. One of the six performance indicators for the Digital Agenda is that ‘the difference between roaming and national tariffs should approach zero (Sutherland 2012, 7). The abolition of mobile roaming charges was therefore viewed as a first step in a more ambitious project (European Commission 2015a). For that reason, mobile roaming has a symbolic significance far beyond its economic impact.

Not surprisingly, therefore, the more powerful large mobile operators engaged in massive lobbying campaigns against the first and the third Regulations (2007, 2012) (less so the second in 2009) (Interview 3; Laitner 2006b). They tried to prevent proposals coming to light, and when that failed they lobbied on the technical details, such as on the cap levels (Interview 3). The operators also challenged the legislation unsuccessfully before the European

Court of Justice (Pignal 2010) and, in the case of Vodafone, in domestic courts (Interview 2). Later, the Brussels newspaper, *Politico*, went as far as to label the digital single market package as ‘one of the most heavily lobbied legislative packages in the EU’s history (Sheftalovich and Heath 2015), while Sutherland noted that on mobile roaming, ‘consultations generated noisy rhetoric, sometimes threatening that the sky would fall in’ (2012, 14), though almost in the same breath he suggests, rather wryly that operators ‘sought to fight a good fight on this issue, which was of no great importance, to detract attention away from other potentially more meaningful regulatory initiatives’ (2012, 14). It is more likely, however, that the operators saw the regulation of mobile roaming as the first step in a more extensive Commission project which they hoped to see fail.

However, mobile operators were not able to act in a concerted manner as, at different stages in the process, there was substantial division within their ranks. This came to light in 2006 as the first Roaming Regulation was being drafted. The *Financial Times* reported at the time that ‘[s]uch is the extent of division that a number of chief executives are understood to be separately visiting Viviane Reding [...] this week’ (Odel and Laitner 2006). The disagreements divided northern from southern European operators as the two groups were affected differently by the Regulation owing to the differential effect of holiday traffic; the Regulation also divided the smaller from the larger companies, as the former felt that regulation might benefit them (Odel and Laitner 2006). Coupled with the media coverage promoted by the Commission in support of mobile roaming, and the willingness of the Commission to negotiate and compromise on the specifics, the rifts amongst the operators ended up strengthening the Commission’s ability to shape the legislative process (Interview 2).

Industry lobbying was supported by national governments, with the latter tending to defend the line adopted by their larger and more powerful operators. As already mentioned, the UK, Germany and Spain, were particularly active on this issue as lobbyists in their own right, albeit behind-the-scenes, even if the configuration of support and opposition towards particular proposals fluctuated over time. On some occasions, there was more support at the political level by the large member states than at the working group level (Interview 2). The East Europeans and northern member states tended to be more hostile to the proposals than those in the South, echoing the positions taken by their domestic operators (Interview 2). This made the achievement of an agreement in the Council challenging at times.

Although regulation of the kind introduced in 2007 and in subsequent iterations of the Roaming Regulations was more difficult for the Commission to control and implement than competition law where it had more discretion, it followed all the same a conventional and

well-worn path associated with the Community Method of EU law-making (Reding 2007). It helped, too, that the first regulations included in-built review mechanisms which projected the legislation into the future and ensured that they were not simply seen as a ‘one-off’ event (Interview 2). Since the early 1990s, the Commission’s regulatory powers over utilities have frequently been called upon to break down barriers to trade within the single market. As such, the Commission already had substantial experience of this kind of Regulation. The Community Method meant that the co-decision (now Ordinary Legislative) procedure (OLP) governed the involvement of the legislative actors (EP and EU Council), with the Council subject to qualified majority voting (QMV), based on a proposal from the Commission. The Commission proposal was therefore very important in shaping the negotiations between the Council and EP, but so too was the Commission’s skill in working with those institutions. In the case of the ‘Roaming IV’ Regulation agreed in 2015, for example, the Commission presented its proposal in September 2013 and the EP voted on its first reading position on 3 April 2014. Inter-institutional negotiations were opened in September 2014, and the Council then adopted a mandate to negotiate in March 2015 under the Latvian Presidency. Informal behind-the-scenes *trilogue* negotiations which began towards the end of March led to an informal agreement with the EP and the Commission on 30 June 2015. After this agreement, the Regulation was voted on by the Industry, Research and Energy (ITRE) Committee on 22 July (51 to 10 in favour) and then formally adopted by the Council on 1 October 2015 and the EP plenary on 27 October (European Commission 2015a; European Commission 2015b; European Parliament 2015a).

Thus, while the Commission did not legislate, it did have a substantial structurally-defined role in agenda-setting and consensus-building within the co-decision procedure. Its role is said to have been strengthened as a result of its expertise in this case which was honed through the process of having to work on impact assessments prior to proposing legislation (Interview 3). Moreover, its participation, and one might say, its support for any inter-institutional agreement that emerged informally was pivotal. The Commission had other functions in this process too. It was responsible for drafting implementing acts after legislation was agreed in the EP and the Council, as in the case for the 2015 Roaming Regulation. Indeed, this latter point was a cause of concern for some MEPs such as Julia Reda (Green/EFA), who claimed that the Parliament was relinquishing its control over the policy (European Parliament 2015b and c).

On the whole, however, a key feature of the legislative process was the close inter-institutional cooperation between Commission and Parliament. This was crucial in facilitating agreement (Interview 2; Chaffing and Pignal 2009). Commission Vice-President Ansip made

this point when he said in a backhanded compliment that success in the fourth Regulation in 2015 was down to the Parliament which had demonstrated that it can act quickly and decisively ‘when it wants to’ (European Parliament 2015c). In fact, the close relationship between Commission and Parliament was particularly important (Interview 2). Both Commissioner Ansip and the parliamentary rapporteur, Pilar de Castillo Vera, a key figure in pushing for agreement on ‘Roaming IV’, as well as deputy rapporteurs and Commission officials, were meeting weekly and sometimes daily on the issue (Interview 2). Later in the process the rapporteur even argued that Parliament should avoid making amendments to the Council’s position at first reading, so as to speed the legislative process along, ensuring that the deal agreed ‘in trilogue’ would not be unpicked (European Parliament 2015a, 2015c). This was not just a feature of the ‘Roaming IV’ Regulation. Sutherland states that ‘the engagement of the European Parliament [...] from the outset kept the issue alive’, not least because reducing prices ‘could easily be explained to voters’ (Sutherland 2012, 14) and this made the policy an appealing one for MEPs.

By contrast, relations with the EU Council over mobile roaming charges was far more fraught because of the opposition of certain member states to the Roaming Regulations. Indeed, the Commission quite often found itself playing the role of arbiter between Parliament and Council, seeking to soften the Parliament’s position to ensure support in the Council. As already mentioned, national positions tended to echo the power of nationally-based operators, with the UK, German and Spanish governments, shouting the loudest against the Commission-Parliament tandem on this issue. In 2015, for example, certain parts of the original proposal (on radio spectrum management) had to be removed to allow for an agreement (see European Parliament 2015a, 2015b). The negotiations were reportedly extremely tough (Laitner and Parker 2007; Sheftalovich 2015), with Commissioner Ansip acknowledging that the process as a whole had been a ‘bumpy road’ (European Parliament 2015b).

Conclusion

On 27 October 2015, the BBC reported that ‘Data roaming charges will be abolished’ within the European Union. The newspaper article stated that a ban on data roaming charges from 15 June 2017 had received a final green light in the European Parliament. Although the European Commission was quoted in the article, no reference was made to the role that the Commission played in pushing for this or for earlier regulation of international mobile roaming. Yet even if the Commission itself did not reap all the public relations benefits, the case has been one of successful Commission leadership. Individual Commissioners prioritised and pushed for

regulation on this issue; the policy baton was transferred effectively from Commissioner-to-Commissioner for almost a decade; it received tacit support from the Commission President; and opposition was either rebutted or accommodated.

While political agency was an important condition for *successful* policy leadership in this case, the latter also depended on other factors. Thus, it was both policy agency and policy capacity that determined the potential of the Commission to perform successfully as a policy leader. Of note in the account above was mobile roaming's relationship to wider political agendas on the single market; the character of support for and opposition to regulation on roaming; and the formal powers of the Commission to regulate in this field. Two further factors stand out, however, as having been especially important in contributing to a successful outcome in this case. These were the support of the European Parliament, including what amounted to an alliance formed between the EP and the Commission; and the policy's appeal to ordinary citizens. Yet, as these factors were also potentially present prior to 2006, at a time of policy failure, we are drawn back to the importance of political agency, to the extent that the latter might even be considered a necessary condition for successful policy leadership.

What, then, are the wider implications of this finding? First, viewed from the perspective of the political leadership of the Commission, it demonstrates that even during a period when many commentators argue that the Commission is in decline politically, the Commission continues to have the potential to perform a policy leadership role. Policy leadership constitutes a form of political leadership which may on the surface seem to lack ambition, but which has the potential to have quite dramatic effects, particularly in terms of the performance of the EU. This insight may serve as a new way of thinking about Commission leadership at a time when intergovernmental institutions seem to have more political sway over the direction of EU integration. Second, the simple analytical distinction between political agency and policy capacity serves well as a basis for reflecting on policy leadership in specific empirical cases, whether within the Commission or beyond it. This is because while political agency may be a necessary condition for successful policy leadership, it does not provide a sufficient explanation. Even if the interplay of political agency and specific aspects of policy capacity differ from case-to-case, directing attention beyond the agency dimension is always likely to provide a more complete account of the policy process and a more convincing explanation of why policy leadership succeeds in some cases but not in others.

References

- Article 2. 2016. Reconsidering Jacques Delors' Leadership of the European Union. *Journal of European Integration* 39, No. 2
- Article 3. 2016. How to Set a European Agenda? The Commission Presidents and the Quest for Leadership. *Journal of European Integration* 39, No. 2
- Barroso, J.-M. 2011. European Renewal – State of the Union Address 2011. European Commission Press Release, http://europa.eu/rapid/press-release_SPEECH-11-607_en.htm.
- Bauer, M. W. and S. Becker. 2014. The Unexpected Winner of the Crisis: The European Commission's Strengthened Role in Economic Governance. *Journal of European Integration*. 36, No. 3: 213-229.
- Bürgin, A. 2016. Internal Coordination and Legitimation Strategies: Asserting the Influence of Individual Commissioners in the Policy Formulation Process. *Journal of European Integration*. DOI: 10.1080/07036337.2016.1253692.
- Chaffing, J., and S. Pignal. 2009. Brussels wrap-up ends 'roaming rip-off' in Europe, *Financial Times*, 23 April.
- Cohen, M.D., J.D. March and J.P. Olsen. 1972. A Garbage Can Model of Organizational Choice. *Administrative Science Quarterly* 17, no. 1: 1–25.
- Drake, H. 2000. *Jacques Delors. Perspectives on a European Leader* (London: Routledge).
- DuBrin, A.J. 2015. *Leadership: Research Findings, Practice and Skills*, 8th edn, (Boston, M.A.: Cengage Learning Inc.).
- Endo, K. 1999. *The Presidency of the European Commission under Jacques Delors: The Politics of Shared Leadership* (Basingstoke: Palgrave Macmillan).
- European Commission. 2007. European Council pushes for fast-track agreement on reducing roaming tariffs [sic], Editor Connect, 9 March.
- European Commission. 2015a. Bringing Down Barriers in the Digital Single Market: No Roaming Charges as of June 2017, Press Release, IP/15/5927, Strasbourg, 27 October.
- European Commission. 2015b. Roaming and Open Internet: Questions and Answers, European Commission Fact Sheet, MEMO/15/5275, Brussels, 30 June, www.europa.eu/rapid/press-releases_MEMP-15-5275_en.htm, updated on 27 October.
- European Commission. 2015c. Public Consultation on the Review of National Wholesale Roaming Markets, Fair Use Policy and the Sustainability Mechanisms referred to in Roaming Regulation 531/2012 as amended by Regulation 2015/2120 (published on

26/11/2015), <https://ec.europa.eu/digital-agenda/en/news/public-consultation-review-national-wholesale-roaming-markets-fair-use-policy-and...>

European Commission. 2016a. Digital Agenda for Europe: A European 2020 Initiative, <https://ec.europa.eu/digital-agenda/en/roaming>.

European Parliament. 2015a. Recommendation for a Second Reading on the Council Position at First Reading with a view to the Adoption of a Regulation of the European Parliament and of the Council laying down Measures concerning Open Internet Access and Amending Directive 2002/22/EC on Universal Service and Users' Rights Relating to Electronic Communications Networks and Services and Regulation (EU) No. 531/2012 on Roaming on Public Mobile Communications Networks within the EU (10788/2/2015 – C8-0294/2015 – 2013/0309 (COD)) (The del Castillo Report).

European Parliament. 2015b. European Single Market for Electronic Communications – debate, P8_CRE-PROV(2015)10–27 (2), 27 October.

European Parliament. 2015c. European Parliament legislative resolution of 3 April 2014 on the proposal for a regulation of the European Parliament and of the Council laying down measures concerning the European single market for electronic communications and to achieve a Connected Continent, and amending Directives 2002/20/EC, 2002/21/EC, 2002/22/EC, and Regulations (EC) No 1211/2009 and (EU) No 531/2012 (COM(2013)0627 – C7-0267/2013 – 2013/0309(COD)) (Ordinary legislative procedure: first reading).

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2014-0281+0+DOC+XML+V0//EN>.

European Union. 2007. Regulation (EC) No 717/2007 of the European Parliament and of the Council on Roaming on Public Mobile Telephone Networks within the Community and Amending Directive 2002/21/EC.

European Union. 2009. Regulation (EC) No 544/2009 of the European Parliament and of the Council of 18 June 2009 amending Regulation (EC) No 717/2007 on Roaming on Public Mobile Telephone Networks within the Community and Directive 2002/21/EC on a Common Regulatory Framework for Electronic Communications Networks and Services.

European Union. 2012. Regulation (EU) No 531/2012 of the European Parliament and of the Council on Roaming on Public Mobile Communications Networks within the Union.

European Union. 2015. Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 Laying Down Measures Concerning Open Internet

- Access and Amending Directive 2002/22/EC on Universal Service and Users' Rights Relating to Electronic Communications Networks and Services.
- Eyestone, R. 1971. *The Threads of Public Policy: A Study in Political Leadership* (New York: The Bobbs-Merrill Company Inc.).
- Garrett, G. 1992. International Cooperation and Institutional Choice: the European Community's Internal Market. *International Organization* 46, no. 2: 533–60.
- Grant, C. 1994. *Delors. Inside the House that Jacques Built* (London: Nicholas Brealey Publishing Ltd).
- Hayward, J. 2008. (ed), *Leaderless Europe* (Oxford: Oxford University Press).
- Höppner, T. 2015. International Roaming Regulation: Roaming into a (Dis)connected Continent. <http://www.internationallawoffice/Newsletters/Telecoms/European-Union/Olswang-LLP/International-roaming-regulation-roaming-into-a-disconnected-continent#>
- Infante, J., and I. Vallejo. 2012. Regulation of International Roaming in the European Union – Lessons Learnt. *Telecommunications Policy* 36: 736–48.
- Kassim, H., S. Connolly, R. Dehousse, O. Rozenberg and S. Banjaballah. 2016. Managing the House: the Presidency, Agenda Control and Policy Activism in the European Commission. *Journal of European Public Policy*, DOI: 10.1080/13501763.2016.1154590.
- Kingdon, J.W. 1984. *Agendas, Alternatives and Public Policy* (New York: Longman).
- Knieps, G., and P. Zenhäusern. 2014. Regulatory Fallacies in Global Telecommunications: the Case of International Mobile Roaming. *International Economics and Economic Policy* 11, no. 1: 63–79.
- Kreitner, R. 1995. *Management*, 6th edn. (Boston. M. A.: Houghton Mifflin).
- Kroes, N. 2010. Towards a Single Market for Mobile Roaming, Speech at GMSA Europe's Mobile Day – Annual Reception, 8 December.
- Kroes, N. 2011. Delivering Solutions on Roaming and RadioSpectrum, Speech at the 2011 Mobile World Conference, 14 February.
- Kubosova, L. 2006. Brussels clashes with UK and France on mobile phone rates. EUObserver.com, 11 December, <https://euobserver.com/economic/23072>.
- Laitner, S. 2006a. Reding faces triple challenge to overhaul EU telecoms and media sectors, *Financial Times*, 2 May.
- Laitner S. 2006b. EU bid to curb mobile costs, *Financial Times*, 4 February.
- Laitner, S. 2008a. Hung up? *Financial Times*, 6 March.

- Laitner, S. 2008b. Reding in race to shake up mobiles industry, *Financial Times*, 23 May.
- Laitner, S., and A. Parker. 2007. EU to cap price of mobile calls abroad, *Financial Times*, 24 May.
- Loth, W., H. Wallace, and W. Wessels. 1995. *Walter Hallstein. The Forgotten European?* (New York: St Martin's Press).
- Matlár, J. 1997. The Role of the Commission: A Theoretical Discussion in N. Nugent (ed), *At the Heart of the Union: Studies of the European Commission* (Basingstoke: Macmillan).
- Mariniello, M., and F. Salemi. 2015. Addressing Fragmentation in EU Mobile Telecoms Markets, Bruegel Policy Contribution, Issue 2015/13, July.
- Noguera, F, J.-M. Plane. 2016. *Le Leadership. Recherches et Pratiques* (Paris: Magnard-Vuibert).
- Nugent, N. and M. Rhinard. 2015. *The European Commission*, (London: Palgrave Macmillan).
- Odell, M., and S. Laitner. 2006. European telecoms groups split over 'roaming' effort, *Financial Times*, 20 March.
- Pignal, S. 2009. EU telecom crusader's new term in doubt, *Financial Times*, 7 July.
- Pignal, S. 2010. EU roaming cap comes into force, *Financial Times*, 1 July.
- Pollack, M. 1997. Delegation, Agency, and Agenda Setting in the European Community, *International Organization* 51, no. 1: 99–134.
- Reding, V. 2006. The Importance of Reducing Mobile Roaming Charges for the Competitiveness of Europe's Business Customers. Speech to the Conference of EVUA – the Enterprise Virtual Private Networks Users Association, Brussels, 29 June.
- Reding, V. 2007. Towards a True Internal Market for Europe's Telecom Industry and Consumers. The Regulatory Challenges Ahead, Speech to the 20th Plenary Meeting of the European Regulators Group, 15 February.
- Ross, G. 1995. *Jacques Delors and European Integration* (Cambridge: Polity Press).
- Selznick, P. 2010 [1957]. *Leadership in Administration: A Sociological Interpretation*, (New Orleans: Quid Pro Quo Books).
- Suleiman, E. 1984. Introduction, *Bureaucrats and Policy-Making*, (London: Holmes and Meier).
- Shefalovich, Z. 2015. Telecoms dream dying *Politico*, 4 June, p. 9–10

- Sheftalovich, Z., and R. Heath. 2015. The struggle for digital single market success *Politico*, 7 May, p. 1, p. 21.
- Smyth, C. 2006. EU to act on international cellphone fees *Financial Times*, 8 February.
- Sutherland, E. 2008. The regulation of international mobile roaming. *Info* 10, no. 1: 13–24.
- Sutherland, E. 2012. Governance of Telecommunications Markets – the Case of International Mobile Roaming, *Competition and Regulation in Network Industries (CRNI)*, Brussels, 25 November, <http://www.crninet.com/>: 1–17.
- Vahl, R. 1992. The European Commission on the Road to the European Union: The Consequences of the Treaty on European Union for the Commission's Power Base, *Acta Politica* 3: 297–322.
- Van Assche, T. 2005. The Impact of Entrepreneurial Leadership on EU High Politics: A Case Study of Jacques Delors and the Creation of EMU, *Leadership* 1, no. 3: 279–298.
- Van Wart, M. 2013. Administrative Leadership Theory: A Reassessment after 10 Years. *Public Administration* 91, no. 3: 521–43.

Interviews:

- Interview 1: European Commission – former cabinet member, with mobile roaming responsibilities, May 2016.
- Interview 2: European Commission – senior official with mobile roaming responsibilities, May 2016.
- Interview 3: European Commission – joint interview with two middle-ranking officials, with responsibilities in mobile roaming, May 2016.